Implementation of Award of Central Government Industrial Tribunal

*385. SHRI KARNENDU BHATTACHARJEE : Will the MINISTER of PETROLEUM AND NATURAL GAS be pleased to state :

(a) whether ONGC has implemented award No. 1 of 1994 of Central Government Industrial Tribunal, Calcutta, as published in Gazette of India on 7th December, 1998, *vide* S.O. No. 2526;

(b) the number of workers who belong to scheduled caste community out of total workers involved in the above case.

(c) the reasons for non-implementation of the award inspite of directives of the Ministry; and

(d) whether any other award has been given by any other Tribunal regarding sweeping-cleaning case; if so, the total number of workers involved in such case in each region of ONGC?

THE MINISTER OF PETROLEUM AND NATURAL GAS (SHRI RAM NAIK) :(a) The High Court of Calcutta passed orders on 5th August, 1999 staying the operation of the Award No. 1 of 1994 of Central Government Industrial Tribunal, Calcutta. The award has, therefore, not been implemented.

(b) Eight out of the total of ten workers involved in the case belong to the Scheduled Castes.

(c) Ministry of Petroleum and Natural Gas has not issued any directive to ONGC for implementation of the said award.

(d) No other Tribunal has given any award with regard to sweeping-cleaning cases concerning ONGC.

SHRI KARNENDU BHATTACHARJEE : Sir, I would like to know whether the ONGC management has filed a case before the Calcutta High Court against Award No. 1 of 1994 and violated Office Memorandum No. H-52027/8/99-IR dated the 19-3-1999 of the Ministry of Labour, Government of India. If so, I would like to know whether the Government is aware of any such violation. If yes, what action does it propose to take in this regard ?

SHRI RAM NAIK : Sir, the question is not clear to me. I think he can repeat it. Otherwise the fact of the case is that the matter is before the High Court. The High Court has given a stay to the order of the Tribunal. In a way, it is a matter which *sub judice*. But I thought on fact I can give certain information. I cannot opine on certain things on which the High Court has given the stay. So, from that angle if the question is repeated, I will be in a

better position to reply. Otherwise, the matter is *sub judice*. But I thought I should not use the word *'sub judice'* so that I can give whatever information is available on the basis of the facts.

SHRI KARNENDU BHATTACHARJEE : Sir, a number of contractual workers were engaged in sweeping and cleaning jobs in the ONGC offices such as Exploration Business Group Office, Regional Office and other offices in West Bengal and the North-Eastern Region. I would like to know whether the contractors have licences as per Chapter IV of C.L. (R & A) Act, 1970.

Sir, another point that I want to submit is that while the ONGC management has regularised all contractual workers who worked in the prohibitory jobs such as sweeping, cleaning, security, etc. as per the court order in Delhi, Goa, Maharashtra but the same has not been done in West Bengal and the North-Eastern Region. What are the reasons for the same?

SHRI RAM NAIK : Sir, the facts of the case are that the ONGC had given a contract to a firm M/s. Mondal Enterprises. Now, they engaged nine workers to clean the ONGC Offices and that was given on a contract basis. Under the Notification of 1976, this type of work is prohibited. But, subsequently, the ONGC and some other public sector undertakings were given permission to do and get such things done by engaging a firm. So, technically, the ONGC —a public sector undertaking —has thought that it is a contractual obligation and when that contractual obligation was placed before the Tribunal, the Tribunal did not agree with it. So, the ONGC filed a writ petition before the High Court of Calcutta. There was a preliminary hearing. The High Court of Calcutta heard both the sides and then the High Court has given a stay. I must also say, as an additional information, that there are several such cases going on in different High Courts and now the Supreme Court is seized of the matter of contractual labour. The Supreme Court also, when the cases were referred to them, have broadened the term 'full-fledged wage.' The Supreme Court is discussing that matter. In fact, so far as the specific question is concerned, the High Court of Calcutta heard both the sides and given a stay.

Network Centres on Embryo Transfer

*386. DR. ARUN KUMAR SARMA : Will the MINISTER of AGRICULTURE be pleased to state :

(a) the list of Network Centres on Embryo Transfer under ICAR established during 8th and 9th Plan periods alongwith date of their commission, location, total outlay, allocation and implementation status;